## THE COURTS.

#### THE OLD TAMMANY RING FRAUDS.

Wm. M. Tweed Again in Court --- Another Argument for Belay--The Close of the Present Term Against the Immediate Trial of the Case--- It Will Be Brought On Early in December.

#### IMPORTANT CASE IN BANKRUPTCY.

The Power of a Corporation to Convey Its Personal Property-Alleged Fraud and Collusion-Opinion of the Court.

THE NOTORIOUS GENERAL GREENTHAL.

How Convicted Criminals Get Scot-Free-An Appeal from the Verdict of the Court of General Sessions - A Technical Loophole-A New Trial Ordered.

#### THE LAGRAVE ALLEGED SWINDLE.

The Arrest in France-Will It Be Held Legal !- Minister Washburne's Authorization for the Surrender of the Prisoner - Another Legal Tilt-The Case Still On.

#### TROUBLE IN A DIVORCE SUIT.

Paying Alimony for Ten Years-Reason for Drawing the Purse Strings-Application to Open Them Again-The Application to the Court-Decision Reserved.

#### THE ANDRIE WIFE HOMICIDE

A Week's Trial Brought to a Close-The Plea of Defence Insanity-The Charge to the Jury-A Strange Verdict-The Prisoner Found Guilty of Manslaughter in the Third Degree and Remanded for Sentence.

#### BUSINESS IN THE OTHER COURTS.

#### Summaries-Decisions-Close of the Terms.

In the United States District Court, before Judge Blatchford, in the case of Nathaniel Dole, a bankrupt, on motion for an order vacating suspension of proceedings upon an order and summons hereto fore issued by the Register, the Judge denied the motion, but allowed the Register to issue a new order for the examination of the bankrupt.

Judge Blatchford vesterday rendered a decision in the case of James H. Moran, assignee in bankruptcy of the Columbian Metal Works, vs. David Strauss, Francisco Bianchi and Robert Thompson. It was an action in equity to set aside a mortgage given to the defendants by the Columbian Metal Works on the ground that it was obtained by fraud and collusion. The ruling does not wholly set aside the mortgage. We give the Judge's opinion in

Thomas Murray, a youth, was tried and convicted hoxes from an express wagon, owned by Joseph P. Doreck. He was remanded for sentence.

Thomas Main, who was charged with burglartously entering the premises of Emmanuel Barslay, No. 111 Ninth avenue, and stealing a small quantity of cigars, pleaded guilty to petit larceny and was sent to the Penitentiary for six months. The creditors of Tom C. Fields seem to be pur-

suing him with that relentless fervor generally characteristic of this grand subdivision of the world's people. A second attachment was granted by Judge Fancher at Supreme Court, Chambers, against his property, on application of Michael J. Quigg. Mr. Quigg sets forth in his petition that he built the residence of Mr. Fields in 140th street; that \$4,000 are still due him on the contract; that Mr. Fields has fled to parts unknown, and that he sees no other way of getting his money than through the process of an attach-

An order was granted vesterday by Judge Fancher, holding Supreme Court, Chambers, directing William R. Travers to appear and give his testimony before the referee appointed on the previous day to take the testimony of Horace F. Clark and Augustus Schell, to be used on the motion to vacate the order of arrest against Jay Gould in the Eric Railway suit or to reduce his bail. The motion, as will be remembered, is to be heard on Monday next.

The examination was continued yesterday, before Judge Fancher, at Supreme Court, Chambers, in regard to the circumstances under which Alfred E. Lagrave was arrested by Special Detective James Mooney in France and brought to this country. It was shown that Lagrave was brought here under authority of the French government upon a requisition from the United States, approved by Minister Washburne. On Friday the examination will be continued.

Application was made vesterday before Judge Fancher, holding Supreme Court, Chambers, to punish a party for alleged contempt of court, in falling to pay alimony to a wife from whom he had been divorced. No decision has yet been given, but from the report given elsewhere it will be found to possess some pecuhar as well as interesting features.

In the Supreme Court, General Term-Judges fugraham, Leonard and Larned on the bench-a bearing was had vesterday in the case of Abraham Greenthal, on appeal from the verdict in the Court of General Sessions, sentencing him to State Prison for five years. The Court, after hearing the argument, reversed the judgment of the sessions, and granted him a new trial.

### THE OLD TAMMANY RING FRAUDS.

The Case of William M. Tweed Again in the Courts, but Not Upon Trial-Fresh Motions for Delay-Argument of Coun-sel-The Case Put Off for the Term.

The criminal suit, or rather the one of the criminal suits against Mr. William M. Tweed which has been adjourned on one cause or another in the Court of Oyer and Terminer several times, came up again yesterday before Judge Brady in the Over Terminer, Mr. Tweed's counsel-Mr. Field, were present early and in close conversation, and fterwards Mr. Suilivan, Mr. Tremain and Mr. Peckham, counsel for the prosecution, came in. Mr. Root and Mr. D. D. Field completed the array of counsel for Mr. Tweed. Mr. Tweed himself was THE RIG INDICTMENT.

When Judge Brady came in Mr. Fullerton recalled the fact that the recognizance on the "big"

indictment was geturnable in the December term. He had supposed that that indictment was not to be tried until the December term, Mr. Tweed not being bound to appear until that time. Mr. Tweed had appeared on the previous motion, under the impression that it was the "forgery" indictment under which they proposed to proceed; but there was a real misunderstanding, and the counsel having been very busy in preparing papers very

ing been very busy in preparing papers very voluminous in the \$6,000,000 civil suits, were, he thought, justified in insisting on this misunderstanding as a reason for not trying this case.

Mr. Tremain insisted that a week ago Mr. Tweed and his counsel had fully understood what case was before the Court; that the terms of the recognizance being in the ordinary form had not misled the defendant; that the defendant had been allowed all reasonable privileges, having been given last Tuesday a whole week to decide what course he would take, had been allowed to make a motion entirely out of order to avoid delay, and that the present motion seemed to him merely for delay and a trifling with the Court.

Mr. Fullerton repelled entirely the idea that he was trifling with the Court, and did not propose to take the technical advantage that the defendant did not appear, but they had notified the prosecution of the objection on Saunday.

Mr. Peckham said that they had notified the defence of their intention to go on.

Mr. Fullerton did not deny this, but claimed that they had the right to go on, and whatever the custom of the District Attorney's office might be it could not be binding on the Court or the defendant in face of the direct words of the recognizance.

District Attorney Carvin cited Real's case, where

District Attorney Garvin cited Real's case, where the "next term" was not held to exclude other

terms.

Counsel for Tweed had argued the case, and in the question was whether a trial by a Court of Oyer and Terminer at a subsequent term to the "next" was valid.

Mr. Sullivan reminded the Court that in the States are the subsequent term to the "next" was valid.

"next" was valid.

Mr. Sullivan reminded the Court that in the Stokes case a smillar question had arisen and been decided in the way the prosecution had desired.

Defendant's counsel replied that in that case Mr. Young had been the mouthpiece, but Mr. Sullivan the judge.

Judge Brady said he had then a good legal adviser, but the question of whether the defendant could be compelled to plead before the return day was too doubtful for him to decide; that he must at once plead. The doctrine of waiver was not favored in criminal cases, and he should not insist on the defendant pleading at this time.

Mr. Sullivan said there was still another indictment to which no such objection could be taken—the indictment against Mr. Tweed alone.

Mr. Fullerton insisted that they had had no notice of this trial.

Mr. Sullivan said that they had given a general notice of all the indictments.

Mr. Tremain asked whether, it was necessary, when the prisoner was in Court, to notify him. Such a thing would be a notice to leave the country.

The Court inquired what was the custom of the District Attorney's office.

Mr. Garvin replied that he had, on account of his previous connection with Mr. Hall and his relations to other of these gentlemen, relerred the whole matter to his official superior, the Attorney General, who had appointed other gentlemen to conduct this case. He had, however, conducted the mere formal proceedings of the office, and the counsel for the defence would bear him out that he had given them formal notice that he should move all the indictments against Mr. Tweed at this term, and had given them formal notice that he should move all the indictments against Mr. Tweed at this term, and had given them formal notice to the same effect.

Mr. Peckham added that this being the case in which the motion was made to quash the indictment of the case of the which the motion was made to quash the indictment of the case of the whole matter to the same effect.

Mr. Peckham added that this being the case in Mr. Peckham added that this being the case in which the motion was made to quash the indictment the case was actually in court.

Mr. Field proceeded to controvert this, but was interrupted by Judge Brady, who said that as next Monday would be the beginning of the December term, and only two working days would be iost, he concluded, as there was some doubt in his mind, to adjourn the whole matter to that term.

Mr. Peckham thereupon gave formal notice in open court that on the first Monday of the December term the prosecution would be ready to proceed. And so another breathing time has been granted to the ex-Boss before he can be put upon trial.

#### IMPORTANT CASE IN BANKRUPTCY.

The Columbian Metal Works in the Courts-The Power of a Corporation to Convey Its Personal Property-Alleged Fraud and Collusion-Opinion of the Court.

Yesterday Judge Biatchford gave his decision in the case of James H. Moran, as assignee in bank-ruptcy of the Columbian Metal Works, vs. David Strauss, Francesco Bianchi and Robert Thompson. This was an action in equity by an assignee in bankruptcy against the defendants, who composed the form of Strauss, Bianchi & Co., merchants of this city, to set aside a mortgage given to them by the Columbian Metal Works, the bankrupt, on the ground that the mortgage was obtained by Iraud

DECISION OF THE COUPT.

Judge Blatch ord states that in this case he has come to the following conclusion:-

come to the following conclusion:—

The petition in bankruptcy having been flied March 12, 1859, the title of the assignce relates back to that date, and the decree of foreclosure made on the fish of March, 1869, in a suit to which he was not a party, is of no effect to prejudice his rights. If the merigage was unauthorized and void, as being alfre sire, it was such a trand on the general creditors of the corporation that the plaintiff can impeach it. The holders of two-thirds of the stock consensed to the mortgage. The seventy-five disputed shares belonged to Pirsson as surviving tru-tec. They had been originally lawning used as unit paid slock, and passed from the parties to whom they were issued and went into the hans of Pirsson and Freeman as trusbeen originally liwinily used as full paid sloce and passed from the parties to whom they were issued and went into the hands of Froson and Freeman as true tees, as working capital for the benefit of the stock holders, to be dispose of unfor direction of the Fouril of Trustees in such manner as they deemed for the best miterests of the company. Freeman had deed, A sale of the went of the best provided in the such that they were assigned only as security on the such that the such that they were such that the such that they were really as signed only as security, yet the corporation had now to have the such that they were such that the such that they were really as signed only as security, yet the corporation had now to have such that the such that they were really as signed only as security, which power in clues the power to mortgage or to transfer as security for such moneys as signed, he is a such that they were really as signed only as security for such moneys as signed, as security for such moneys as the decendants paid for or advanced to the corporation on the faith of the

W. H. Arnoux for the plaintiff, J. M. Van Cott for

#### THE CASE OF ABRAHAM GREEN-THAL.

Conviction of Larceny from the Person Hearing Before the Supreme Court, General Term, Upon the Appeal from the General Sessions Verdict-Reversal of the Previous Judgment and the

Prisoner Granted a New Trial. On the 25th of last November Mr. Arthur C. Taylor, bookkeeper in the employ of A. S. Barnes & Co., drew \$250 from bank and in passing through John street on his way back was jostied by a stranger and in a moment afterwards discovered his money gone, which he had placed in his outside overcoat pocket. The stranger rushed into a store and Mr. Taylor followed him. Two packages of the stolen money were found on the counter of the store, but \$100 disappeared in a manuer that is still prosion disappeared in a manner that is still pro-nounced unaccountable. Very naturally Mr. Arthur-jumped to the conclusion that this jostling stranger was the person robbing. The latter was well dressed, of anmistakable gentlemanly appearance, and no one could possibly be more demonstratively polite or put on a more seemingly astomaked and innocent air. But we will not go over all the details of a story that has aiready oven published in full in the Herald. This stranger was arrested and proved to be Abraham Greenthal, alias Abraham Green, alias

and other aliases too numerous to mention. In course of time he was indicted, tried in the Court of General sessions, convicted and sentenced for five years to state Prison. Mr. William F. Howe, his counsel, was not satisfied with this result and essayed a grand flank legal movement to save his client. As the report below shows he has been entirely successful. This flank movement was to appeal from the verdict in the General Sessions and carry the case before the Supreme Court—General Term. The case came up for a hearing yesterday in this Court before Judges Ingraham, Leonard and Larned.

ARGUMENT ON THE APPEAL.

It was insisted by Mr. Howe that the proceedings called a trial were coram non findles, because conducted by the intervention of an illegal jury—a dead jury; a jury which cannot be galvanized into legal vitality. In this consection it was urged that the petty jury be ore whom the prisoner was tried had no legal right to sit or be empanelled, they being a perty jery called and empanelled for the November term of the Court; that this trial "THE GENERAL"

had no legal right to sit or be empanelled, the being a petty jery called and empanelled for the November term of the Court; that this tria taking place in the court; that this tria taking place in Becember they were ent to a full panel of mores summoned the December term: that having

deprived of those challenges on that panel the prisoner had been tilegally tried and convicted, and that therefore the whole proceedings were null and void. A further point was that there was not even a court to commune with on the day of the prisoner's trial. Not only, it was insisted, had the Court no right to sit on the 4th of December, after the first Monday of December, but the jury summoned for December died, or became ranctus officio on the morning of the first Monday of December. The course pursued, it was claimed, exposed prisoner to a permanent, packed or plant petit panel.

NO REPLY AND WHY?

poster prisoner to a permanent, packed of phase petit panel.

No reply and why?

Assistant District Attorney Sullivan, who appeared to oppose, stated that he had looked through the bill of exceptions, and as the Court had already ruled upon the same point raised in the appeal from the verdict in the case of Anne Eurns, he thought it unnecessary to occupy the time of the Court by any formal response to the argument of counsel on the other side.

DECISION OF THE COURT.

Judge Ingraham, who pronounced the decision of the Court, said that any opposing argument was unnecessary, and in accordance with its previous ruling in the Burns case ordered the judgment of the Court of General Sessions to be set aside and a new trial to be granted to the prisoner.

#### THE LAGRAVE CASE.

Continuation of the Examination-Who

Paid the Arresting Detectives' Expenses !-Letter of Minister Washburne. A further hearing in the case of Alfred E. La-grave, charged with defrauding a large number of merchants of this city and then decamping to Europe with the proceeds, where he was a few weeks since arrested and brought to this country, was had yesterday before Judge Fancher, of the Supreme Court. As on the previous occasion there was a large retinue of counsel present, Assistant

was a large retinue of counsel present, Assistant District Attorney Sulitivan appearing for the people, Mr. Bookstaver for the Sheriff, Mr. Butler for the creditors, and Mr. Elbridge T. Gerry and Ambrose Monell for Lagrave. The EXAMINATION OF JAMES MOONEY, the private detective who arrested Lagrave, was resumed. The incipient contumaciousness he developed at his prior examination did not show itself, and his narrative went on with uninterrupted smoothness. He related that in the pursuit of Lagrave and his arrest he was acting simply in the interests of Lagrave's creditors; that he was employed by them to find Lagrave and bring him back to this country, and that all his expenses, amounting to thousands of dollars, as well as compensation for his services, were provided by these creditors. It also appeared that during the time he was in Europe he was in constant communication with Duden Freres and Dambmann & Co., two of the creditors having houses in France, as also branch establishments in this city, who farnished him with money from time to time as as also branch establishments in this city, who furnished him with money from time to time as occasion required, and also gave him all the assistance in their power to find Lagrave. In answer to the question as to the authority upon which he arrested Lagrave he produced the following

lowing LETTER OF MINISTER WASHBURNE: LETTER OF MINISIER WASHBURNE:—
The undersigned, the Minister of the United States in Paris, bereity certifies that James Mooney has been duly authorized to receive from the French government and to make to New York Alired E. Lagrave, accused of burglary, and surrendered by the French government on demand of the government of the United States.

E. B. WASHBURNE,

Examination of Carbitors.

At the conclusion of Mr. Mooney's testimony several of the creditors were examined. Their testimony showed that they had subscribed to a general fund to send a detective aiter Lagrave and bring him to this country.

The further hearing was adjourned until eleven A. M. next Friday. A. M. next Friday.

#### ALIMONY IN A DIVORCE SUIT.

A Little Legal Difficulty About Payment of Alimony-Application to Punish for Alleged Violation of a Court Order.

A rather singular motion was made yesterday in Supreme Court, Chambers, before Judge Fancher. The motion was to punish for contempt Henry Moulton for alleged disobedience of an order of the Court in failing to pay alimony to his wife succeeding a decree of divorce.

ONE SIDE OF THE STORY. It appeared from the statements of Mr. Dixon. counsel of Mrs. Caroline Mouiton, on whose behali the motion was made, that in 1860 she obtained an absolute divorce from Henry Moulton, her husband, on the ground of adultery; that on granting

band, on the ground of adultery; that on granting the decree of divorce the Court ordered him to pay her \$0.50 yearly as alimony, and furnish security five years in advance for its payment, and that the payment of the alimony was regularly made till August last, after which time Mr. Moulton refused to make any further payments. He insisted that upon this state of facts an attachment should issue against Mr. Moulton, and he be imprisoned for contempt of court.

The opposing counsel, Mr. Eldridge, gave as a reason for suspension of payment of alimony that Mr. Moulton not long since discovered that Mrs. Moulton had married again about four years ago, and that on this account, acting under advice of coursel, he had stopped the payments. It was he who gave this advice, and he went on to say that before giving it he sedulously overhauled all the legal authorities within his reach and found nothing laid down in the books compelling the continuance of paying alimony to a wice after her remarriage.

Mr. Divon denied the statement of there having

More of Both stonies.

Mr. Dixon denied the statement of there having been a second marriage. Mrs. Moulton was living quietly in New Jersey and stood in need of this

Money.

Mr. Eldridge said that the statement to him was that Mrs. Moulton had remarried; that her husband was in good business; that she had a handsome private property of her own and stood in no need of this alimony. He added that since the trial the pecuniary circumstances of Mr. Moulton had greatly changed; that he was not worth the \$1,505,000 he once was, and, in short, he was unable letters to now the alimony. onger to pay the alimony.
The Court took the papers, reserving its decision.

### THE ANDRIE WIFE HOMICIDE.

Conclusion of the Case After A Week's Trial-Judge Bedford's Charge to the Jury—They Are Locked Up for the Night—Anticipated Disagreement. At the opening of the General Sessions yesterday

Emil Andrie, who for the last week has been or trial for shooting his wife, was placed at the bar. Counsel for the defence read a number of points which the Court was requested to charge. Judge Bedford having ruled upon them, he proceeded to charge the jury as follows:-

which the Court was requested to charge. Junge Bedford having ruled upon them, he proceeded to charge the jury as follows:—

\*\*JUDGE BEDFORD'S CHARGE.\*\*

\*\*GENTLEMEN OF THE JUNY—Emil Andrie stands indicted for murder, being charged with having, on the 18th day of June last, shot his wife. Leonie IP. Andrie, in the neck, causing almost instant death. In the deceased was seen that the stands of the proceeding and the prisoner after her. As she iumped from the side walk to the street the prisoner caught her by the hair and at the same time discharged a pistol, the contents ledging in her neck, causing death. The prisoner, as he stood by the deceased after the shooting, was heard to say, "My whe; me shoot her; me shoot her again if she were alive." The theory of the defence is insanily, being caused by the infidelity of the deceased, it is unnecessary for me to recapitulate the testimony. The case has been most ably and very thoroughly summed up by counsel, and it is therefore fresh in your minds. It will be sufficient for me to call your attention to the law applicable to this case, and it will then become your duty to render a verdict in accordance with truth and justice. Before you can acquit the prisoner you must be thoroughly convinced that at the time the prisoner fired the pistol and killed the deceased he then and there was in such a trame of mind as not to be able to distinguish right from wrong—that he was aboving under a definion—that he did not know the nature of the act he was committing, or if he did he did not know that it was wrong; then it necessarily follows that he was, in law, irresponsible, and you must acquit. If, on the other hand, you should find that the prisoner at the time of the killing was not laboring under a deliasion, and was in such a frame of mind as to know that it was wrong; then it necessarily follows that he was, in law, irresponsible, and you must acquit. If, on the other hand, you should find that the killing was not laboring of the prisoner at the time of the killing was not

THE VERDICT. THE VERBICT.

The jury having agreed upon a verdict at nine o'clock Judge Bedford promptly responded, and was in Court half an hour afterwards.

In the absence of Colonei Fellows Mr. Sullivan represented the people.

Mr. Sparks, the Clerk of the Court, put the usual control whether the jury had acted the acted.

Mr. Sparks, the clerk of the Court, put the usual question, whether the jury had agreed upon a verdict, and the foreman responded that they found Andrie guilty of manslaughter in the third degree. It was understood that ten were for that grade of homicide and two for murder at five o'clock; but, probably, the prospect of being locked up for the night induced the two "obstinate" jurors to compromise their convictions and agree upon a verdict.

Mr. Charles Brooke, who managed the defence with great ability, moved a postponement of the sentence till to-day.

Mr. sullivan did not oppose the motion, and accordingly Judge Bedford remanded the prisoner.

cordingly Judge Bedford remanded the prisoner.
It would seem from this verdict that the jury

Ignored the defence of "emotional insanity" and stultified themselves by finding a verdict of a low grade of homicide upon the most convincing proof of deliberate murder, provided the prisoner was sane when he shot his wife.

#### SUPREME COURT-CHAMBERS. Decisions

BUSINESS IN THE OTHER COURTS.

Before Judge Fancher.

In the matter of the petition of James B. Broady to vacate assessment for repairing Forty-sixth street.—Motion to vacate assessment gravited.

In the matter of the petition of Netta Deutsch to vacate assessment for repairing Leonard street.—

vacate assessment for repairing Leouard street.—Same.

In the matter of the application of William Rothschild for leave to sell, &c.—Report of referee confirmed in all respects, except as to the \$650 deposited in the Market Savings Bank.

Downey vs. Downey.—Motion for alimony and counsel fee granted. Case referred.

Thomas Mears vs. George T. Gilbert.—Motion denied with \$10 cests to abide the event.

Goold Hoyt et al. vs. Mary H. Sanger et al.—Report of referee confirmed and order granted that defendant pay the plaintiff's claim and costs out of any assets in her hand as administratrix. Lichtenstein vs. Lichstentein.—Attachment ordered to issue, &c.

Penfield et al. vs. James et al.—Motion to substitute a new referee granted, who is ordered to proceed to sell.

By Judge Barrett.

By Judge Barrett.

William O. Carsons vs. George Murray et al.-

Order settled.

By Judge Ingraham.

In the matter of the petition or William C. Dickel to vacate assessment, &c.—Case settled. Motion, papers and opinion must be filed with the clerk.

### SUPERIOR COURT-SPECIAL TERM.

By Judge Curtis.

Louis Bamberger vs. Geoige Hibbard.—Motion denied, without costs to either party.

The Marine National Bank vs. Ferdinand Stoersil.—Order granted.

COURT OF COMMON PLEAS-SPECIAL TERM. Decisions.

By Judge J. F. Daly.

Maier vs. Hornann.—Motion granted.

Milessa Forman vs. Schuyler B. Forman.—Report confirmed and divorce granted.

Troxell vs. Haynes.—Order settled. COURT OF COMMON PLEAS-SPECIAL TERM-PART 3.

In consequence of the case of Lowenbein vs.

schermerhorn extending into this day (Wednesday), no other cause will be taken up this term.
Jurors and counsel are therefore discharged,
Judge Larremore will charge the jury this morning in the above-named case. MARINE COURT-SPECIAL TERM AND CHAMBERS.

Decisions. By Judge Tracy.

Ellen McKnight vs. Ann Hughes.—Motion to vacate order denied.

Sarah Prassaars vs. John W. Mudgett.—Motion to vacate order of arrest denied.

John F. Duerholz vs. James Lakey.—Motion granted. J. H. Geraty and Another vs. Martin Oakley.-

#### COURT OF SPECIAL SESSIONS.

Before Judges Cox, Coulter and Shandley. Court did not open yesterday morning until eleven o'clock, but, fortunately, the calendar was more than usually light.

The first case called was that of Rosanna Wilson against Samuel Whiteford for assault and battery. Rosanna's countenance presented a pitiful picture, both eyes bloodshot and discolored and the left side of her face frightfully swelled as though she had just emerged from the pugilistic arena. She said that all she wished was that Whiteford, who bore the relation of husband to her, should keep away in future. He was sent to the Penitentiary for two months.

The case of Bernard Blumeberg against William Cotterrili was then called. Blumeberg is a Jew, of suave manner, and came rapidly to the stand as his name was called, but proved the wrong man, He said he was subpænaed, but that, although he had nothing to testify and was at peace with all mankind, he felt it his duty as a good citizen to appear. Cotterrill was remanded until the proper witness can be procured.

Ambrose C. Tanner is a watchman in Essex Market, and has been for a number of years. Thomas Duffy is also a watchman lately employed there. Since the advent of Mr. Duffy ill-recling has existed between the two, and Tanner was last week arrested at the instance of Duffy, charged with assault

rested at the instance of Duffy, charged with assault and battery.

Mr. Duffy swore that there was some dispute between them about shutting the door; that Tanner struck him over the eye, and, though no marks are apparent, he claims that his organs of vision have been sore ever since. been sore ever since.

Mr. Hogart, for the defence, asked him if he was sure he was hit, or only labored under a delusion to

that effect.

Duffy (excitedly)—Yes, sir; I was struck in a violent manner—in a violent manner, sir!

Counsellor Bogart—I don't see any sign of it

Counseilor Bogart—Did you not try to induce Mr. Tanner to strike you, and did he not refuse because he knew your object?
Dudy—No, sir; he struck me without cause or

Duty—No, sir; he struck me without cause or provocation.

Mr. Tanner then took the stand in his own behalf. He is a very respectable-looking man, of quiet demeanor; but, like the complainant, was, on this occasion, very much excited. Being asked his name and his business, he said:—I have been a watchman in Essex Market for five years; bufy has been there but about three weeks, and has endeavored to annoy me in every manner possible; the day we had a dispute he tried hard and challenged me to strike him, but I knew too much; I never struck him.

the day we had a dispute he tried hard and challenged me to strike him, but I knew too much; I never struck him.

Witnesses as to character were produced, and Mr. Tanner was shally discharged.

Wilham Abrans was arraigned charged with assault and battery on Thomas O'Donoughue, an officer of the Fliteenth precinct.

Officer O'Donoughue—On Friday, between three and four o'clock in the morning, this man and another were coming down sixth avenue, shouting and bawling at the top of their voices, thinking they were singin. I told them to stop and not be disturbing decent people. They crossed over to the other side of the way, and I met them again at Tenth street, and I asked them what they were doing and why they didn't go home. With that he hit me in the mouth and knocked me down and jumped on the top of me, and then Officer Cotton came up and he wint to run off with himself and to strike me agen.

Counsel—Did you not hit him with your club?

Officer—I did when he went to hit me again, and perhaps it is in Believue Hospital he ought to be now.

Counsel—Didn't you and Officer Cotton have him

perhaps it is in Believue Hospital he ought to be now.

Counsel—Didn't you and Officer Cotton have him under arrest when you struck him?

Officer—We did, but he went to break away from Cotton and to go for me agen, and I didn't want to be knocked down agen.

Officer Cotton was taen called, who substantiated O'Donoughue's story.

Mr. Abrams was called to the stand and stated that he and a man named McQuade were returning from a wedding and were humming a tune; that the officer shoved him in a violent manner and acted hoisterously, when, in self-defence, he was compelled to strike him. Being a butcher by occupation he did not deem it worth while to retire, as it would soon be time to open. Abrams, who resides at 537 West Sixteenth street, was sentenced by Judge Coulter to ten days in the City Prison.

A few minor cases were then disposed of, and the Court then adjourned until Saturday next.

A Notorious Shoplister Bagged-A Sweet-Toothed Burglar in the Toils.

The Tombs Police court room yesterday presented a more than usually dingy aspect. Cold, damp and cheerless within, the rain pattering without, the scene was dispiriting to the stoutest heart, so much so that even the veteran Justice Dowling was closely buttoned up in a heavy blue pilot overcoat, and the habitual drunkards seemed to feel the dreariness and were not as merry as is their wont, but took their way to the dark cells below with despair written on their long visages and hope left far behind.

Early in the day the notorious shoplifter, Eliza

Flood, was brought in by Detective Philip Reilly. Eliza is a tall, dark-featured, but fresh-looking woman, well-known to the police as one of the most expert shoplisters in the city. Her fresh looks may be accounted for by the fact that she has just returned from a two-years sojourn at Sing Sing. On Monday, afternoon Eliza and a con panion of her own sex entered the store of Jam Sing. On Monday, afternoon Eliza and a companion of her own sex entered the store of James McCreery & Co., corner of Eleventh street and Broadway. She went through the different departments, examined any quantity of goods, and was making her way out, when Mr. Alexander H. Jackson, connected with the house, noticed something suspicious in her movements, and called the attention of Detective Philip Reilly. The latter had some slight acquaintance with the lady, and at once arrested her. He told her he was going to bring her to Headquarters. On the way down Broadway she passed him a piece of serge—forty-six yards—which she found inconvenient to carry so far.

Arriving at Headquarters she was searched and her "working costaine" thoroughly overhauled. The result was the production of two scalsking

sacques, one valued at \$150 and the other at \$135, and also a munt valued at \$12. These articles, together with the serge, gallantly borne by her escort, amounted in all to \$345 in value.

Judge Dowling held her in \$2,000 ball to answer.

A BURGLAR WITH A SWEET TOOTH.

About twelve o'clock Monday night Henry Babbage, a private watchman, noticed a window in the rear of Robert A. Ridley & Co.'s confectionery establishment open, and called the attention of officer Mead, or the Third precinct. Together they searched the premises, and on the second story of the building they found concealed a man named John Morgan. There was nothing for him to steal but candy, and it is supposed he helped himself to repletion. He was arraigned before Justice Dowling and committed to answer in \$1,000.

On the night of the 10th of November the premises occupied by William D. Harries & Co., of 171 Duane street, were entered and \$100 worth of tobacco stolen.

On that night Officer Stevens saw George Skelly going through Staple street, from which he made his escape by means of the fire escape. The officer has been on the scent ever since but failed find him until yesterday. Justice Dowling committed him in \$1,000 to answer.

After these cases were disposed of the damp, chilly chambers were evacuated.

#### JEFFERSON MARKET POLICE COURT.

Another Phase of the Woodhull Libel. James E. Maxwell, who recently appeared as a witness for the defence on the examination of Colonel James H. Blood, charged by Mr. Challis with complicity in the Woodhull libel, was yesterday brought up before the Jefferson Market Folice Court on a charge of periury, based upon affidatits made by Mr. Challis and L. Tracy, a clerk in the Hoffman House. Upon the examination of Colonel Blood Maxwell testified to a practical admission by Challis of the truth of the statements made by Mrs. Woodhuli, upon which the complaint for libel is based, which admission he swore was made in the presence of Mr. Tracy and others. In their affidavits, upon which the present warrant is issued, Messrs, Challis and Tracy swear that no such conversation as Maxwell detailed nor any such admission was made. Mr. Bisgood, counsel for prisoner, moved to dismiss the complaint, on the ground that the alleged perjured testimony was not material to the issue being tried at the time. Without passing upon the point Judge Ledwith decided to hold Maxwell, as the examining magistrate had held blood, upon the evidence given. Fail was fixed at \$3,000, Mr. George J. Forrest becoming Maxwell's security. day brought up before the Jefferson Market Police

#### COURT CALENDARS-THIS DAY.

SUPREME COURT—GENERAL TERM.—Nos. 44, 29. SUPREME COURT—CRECUTT—Part 1.—Case on. No calendar. Part 2.—No calendar till Friday. SUPREME COURT—CHAMBERS.—Nos. 113, 130, 131, 134. Cail 192.

COURT OF COMMON PLEAS—TRIAL TERM—Part 2.—No. 653.

#### BROOKLYN COURTS.

UNITED STATES COMMISSIONERS' COURT. Liquor Dealers' Tax.

Before Commissioner Winslow. Five retail liquor dealers were held to answer resterday charges of having failed to pay the special tax. They are W. Gerhens, of 210 Throop avenue; Julius Gottschalk, of 29 Debevoise street; Storme Reeves, of 51 Broadway; Timothy O'Connor, of 825 Clason avenue, and Lance Werner, of Stapleton, Staten Island.

#### SUPREME COURT-SPECIAL TERM. The Brooklyn Refinery Company's

Litigation. Before Judge Tappen. In the litigation between William A. Byers and others and the Brooklyn Refinery Company an injunction was obtained by the plainting restraining defendants from interfering with their possession. The case was before the Court on motions for the vacating of the injunction, the appointment of a receiver and for the punishment of an alleged contemptuous witness. The first two motions were adjourned, and in the third decision was reserved.

CITY COURT-GENERAL TERM.

### The Westfield Disaster.

Before Judges Thompson and McCue. The judgments in the suits of the Widows Mad den and Landers against the Staten Island Railroad Company have been affirmed by the General Term. The verdict in each case was for \$5,000. The decision of the appellate Court reads:—"The judgment appealed from and the orders denying the motions for new trials affirmed, with costs." Opinion by Judge McCue.

## UNITED STATES SUPREME COURT.

A Case Under the Statute of Limitations-Reserved Lands in Iowa-Decisions by the Court-Infringements of Patents-Lobby Services Rendered the Old Bank of the United States-Adjournment for

the Term. Washington, D. C., Nov. 26, 1872. No. 224. Home Insurance Company vs. Huchberger et al.—Error to the Circuit Court for the Northern District of Illinois.—This was an action on a policy of insurance. There was no question Mr. Duffy (turning to the Judges) —I assure you, of law involved, but only of fact, whether or not the insured had compiled with the conditions of the policy issued on their stock of goods in Chicago, burned in March, 1867. It was also claimed that no notice of the loss was given within the terms of the policy. The Court below gave the questions to the jury, and the verdict was for the insured. The plaintiff in error insists that the Court erred in its instructions to the jury upon these points and in refusing to give certain instructions asked. They do not, however, cite any argument. The defendants in error file a brief setting forth the charge of the Court and rest their case upon that.

Lyman Trumbull for desendants in error.

No. 275. Pipes, Guardian, &c., vs. Wittenbarger.—

Appeal from the Circuit Court for the District of disjana.-The appellant brought a bill to re strain by injunction the appellee from proceeding with an order of sale which he had obtained in th same Court in which tals bill was filed against cersame Court in which this bill was filed against certain lands in the possession of an administrator of the State. The question presented was, whether the claim of the appellee, being founded upon certain promissory notes, was not barred by the statute of limitations. The Court found that, deducting the time of the war, the time fixed by the statute had not expired, and the decree was in his favor. The case was appealed, but the appellant does not appear, and the appellee insist that the appeal was taken merely for delay, and that under the rule of the Court in such cases damages should be allowed. T. J. Durant for appellee.

No. 278. Williams vs. Baker—Appeal from the

No. 278. Williams vs. Baker-Appeal from the Circuit Court for the District of Iowa .- This was an action by the appellee to recover certain lands lowa, which, he claims, were reserved ing a grant of lands to that State to aid in the construction of certain railroads. The appellec derived his title from one of the railroad companies which took title from the State, and the appellant derives his title from the government. The question is whether the lands in question were within the reservation, and whether the patent of the State is a sufficient little in the accordance. at the time of the act of May, 1856, makpatent of the State is a sufficient title in the ap-pellee. The Court below found in his layor, but it is here maintained that the grant did not extend to the region of country where his lands are located. J. Cook for appellant, T. F. Withrow for appellee.

No 232. Leary vs. The United States-Appeal from the Court of Claims.-The claimants' vessel was chartered by the government for service at Port Royal in 1863. While there she was ordered out of port in bad weather, against the discretion of the owners, and was lost by reason of a collision with an old anchor sunk in the harbor. By the charter the government was to take the war risk and the owners to take the marine risk, and the claim for the value of the vessel is based upon the theory that the government became the constructive owner of the craft, and the risk was of such an extraordinary character—being ordered by the officers of the government and taken under compulsion—that it was taken out of the class assumed by the owner and became a risk of the government. The Court it was taken out of the class assumed by the owner and became a risk of the government. The Court below found for the government, and that judgment is here affirmed, the Court saying that the possession and control of the vessel had not passed to the charterer under the decisions in similar cases, but had been retained by the general owner; and that, as the risk was a possible collision with a sunken anchor in the harbor, it was an ordinary risk which every vessel must run which enters a harbor, and one which every marine policy covers.

Mr. Justice Field delivered the opinion.

No. 230, Rees vs. Gould-Error to the Circuit Court for the Western District of Pennsylvania .-This was an action brought by the defendant here to recover for an alleged infringement of a patent for improvement in steam engines. The Court below ruled that the combina tion of mechanical devices used by Rees was so similar to that covered by the Gould patent that the plaintiff could recover. The reverse was claimed here, and the Court sustain the theory, claimed here, and the Court sustain the theory, saying that new patentable inventions may consist entirely in a new combination of ingredients, whereby a new and useful result is obtained, and that in such cases the description of the invention is sufficient if the ingredients are named, their mode of operation given and the result obtained pointed out so that those skilled in the art and the public may know the nature and extent of the improvement

and what the facts are which operate to produce the described result.

Mr. Justice Clifford delivered the opinion.

No. 152. Kearney et al. vs. Drun et al.-Error to the Circuit Court for the District of Maryland.—This was an action of ejectment in which the questions were of a technical character, as to the condition of the parties to the action, &c. The Court below held that the condition of parties was such as to give jurisdiction, and proceeded to judgment, which is here affirmed.

Mr. Justice Swayne delivered the opinion.

No. 216. Oelrich et al vs. Hill et al.—Appeal from the Supreme Court of the District of Co. This was a contest to obtain certain funds in the hands of one Wetmore, held for the benefit of James Hamilton, whose claim was founded on services rendered to the Old Bank of the United States in procuring certain legislation by States in procuring certain legislation by Congress. The claimants were assignees of Hamilton, and the Court below found in their favor. The appeal alleged that neither Hamilton's claim nor those under him were valid, as they were founded upon the consideration of his services to the bank, which were illegal. This Court sustains the view of the appellants and orders the decree reversed, unless the allowance made below is remitted here. In that case the decree may be affirmed.

Mr. Justice Swayne delivered the opinion.

228. New Bedford and New York Steam Propeller

228. New Bedford and New York Steam Propeller Company vs. The United States-Appeal from the Court of Claims .- This was an action for the loss of the steamer Thorn, chartered to the government for a certain time, at a certain price, with a clause providing that, if the vessel remained in the service so long, after deducting the actual cost of running and repair and thirty-eight per cent profit on the appraised value (\$40,000), the noney paid on the charter should be equal in value to the estimated value of the vessel, then the steamer should become the property of the United States should become the property of the United States without further payment, except arrears for use. The vessel being lost before the money paid had reached such a sum, the claim was for her appraised value. The Court below held that it was only the balance due under the agreement on the price of the vessel, and not the appraised value, that could be recovered. The appeal claimed that unless the earnings amounted to \$40,000 there was no option to purchase, and the government was not therefore entitled under the clause. This Court holds that the contract looked to the purchase of the vessel as claimed by the government, and affirms the judgment below.

Mr. Justice Strong delivered the opinion.

No. 257. Starr, vs. Lamb et al.-Appeal from the Circuit Court for the District of Oregon.-The Chief Justice announced the decision of the Court, affirming the decree below. No opinion.

The Chief Justice announced that the Court would on Tuesday, 20th inst., adjourn for the term. The next regular term will begin on the following Monday.

### COURT OF APPEALS.

ALBANY, N. Y., Nov. 26, 1872. In the Court of Appeals, Tuesday, November 26,

In the Court of Appeals, Iucsday, November 28, the following decisions were handed down:—
Judgment affirmed, with costs—Ellis vs. Albany City Fire Insurance Company, Heath vs. Bannore, Marsh vs. Ellsworth, Sharkey vs. Kelly; No. 1, same vs. same; No. 2, Meeks vs. Brown; Consalns vs. Maghee, Hart vs. Wandle, Brookman vs. Milbank, Johnson vs. Prick Johnson vs. Friei.

Judgment of the Supreme Court affirmed and judgment absolute for the defendant, with costs—Meyenbourg vs. Haynes.

Judgment reversed and new trial granted, with costs to abide event—Reid vs. Gannon, Mushlitta

vs. Silverman.
Order amrmed and judgment absolute for the defendant—Osborn, with costs; order reversed as to the other defendants, and Judgment at Circuit affirmed, with costs—Bullis

Appeal dismissed, with costs to abide the event of the action—Green vs. Rice.

Appeal dismissed, with costs—Kirkiand vs., Leary. Calendar This Day.

ALBANY, Nov. 25, 1872.

The following is the Court of Appeals day calendar for November 27:—Nos. 409, 4½, 496, 867, 663, 511, 513, 516.

#### MUNICIPAL AFFAIRS.

BOARD OF ALDERMEN.

The Proposed Reception to Mr. Stanley. The Board of Aldermen met at three o'clock yesterlay afternoon, President Cochrane in the chair.

The communication from the Mayor, heretofore published, calling the attention of the Common Council to the propriety of tendering a public reception, on behalf of the citizens of New York, to Henry M. Stanley, in acknowledgment of the successful termination of his hazardous undertaking in discovering Dr. Livingstone

ous undertaking in discovering Dr. Livingstone, was received, and a special committee appointed to take proper steps in the matter and report at the next meeting.

A resolution was offered to pass, notwithstanding the veto of His Honor the Mayor, the amendment to the hack ordinance, permitting the hackmen to solicit passengers on the sidewalks and platforms of depots. The Board sustained the Mayor by refusing to pass the amendment over his veto.

On motion the paintings in the Governor's Room. On motion the paintings in the Governor's Room, in the City Hail, not belonging to the city, were

# authorized to be placed on exhibition in the Metro-politan Museum of Art. After the transaction of business of a routine character only the Board then adjourned.

BOARD OF SUPERVISORS. This Board met at one o'clock P. M. yesterday. In the absence of the Mayor General Cochrane presided. A communication was received from the Trustees of the College of the City of New York stating that they require for the payment of salaries of the professors and officers of said college, for obtaining and furnishing scientific apparatus and books and supplies for the students and all other supplies therefor, the sum of \$150,000 for the year 1873; which was referred.

A resolution was adopted authorizing the Register to employ two draughtsmen, at a salary of \$100. each per month.

A resolution was adopted to pay the bill of Martin

B. Brown, amounting to \$1,452 45, for printing for A resolution was adopted to pay the following bills for gas furnished the various courts and county offices:-New York Gaslight Company-From Feb

offices:—New York Gaslight Company—From February 1 to May 1, \$3,277 50; from May 1 to August 1, \$1,848; total, \$5,125 50.

A communication was received from Nelson K. Hopkins, State Comptroller, stating that, under a law passed at the session of the last Legislature, he incorporated into the State tax for the current year three and a half mills on a dollar of the total equalized valuation of the State debt or deficiency in the Treasury of some six million dollars. \* \* \* On the 17th of May the Legislature passed another act in direct conflict therewith. \* \* \* The last-named act, having passed at a subsequent day, superseded and repealed the act authorizing the vote on the funding of the dect to be submitted to a vote of the people of said election. He had understood that vote had been cast at the recent election for and against the Funding act, and it is possible there may be a majority in favor of it; and if such should be the case Mr. Hopkins is of the opinion that it is unconstitutional and void. The tax must therefore he levied and collected. Mr. Hopkins concludes that in view of the importance of the question he has submitted the case to the Court of Appeals, Whien was referred.

that in view of the importance of the question he has submitted the case to the Court of Appeals, Which was referred.

A resolution was adopted appropriating \$15,000 for the College of the City of New York for the Lalance of the current year. A resolution was adopted assigning to the Fifth regiment N. G. S. N. Y. the rooms of the building corner of Ninth avenue, and Twenty-first street, and 281, 283, 285 and 287 Ninth avenue and that the Committee on Armories and Drill Rooms cause the same to be immediately fitted up in a suitable and economical manner.

manner.
The Board then adjourned.

### THE BOARD OF AUDIT.

The Board met at four o'clock P. M. yesterday, present Comptroller Green and all the members. The following claims were allowed:-Hind, Naumann & Co., &c., for posters, &c., and labor for various departments, \$415 12; Abiel Mills, for hardware, \$139 11; E. B. O'Callaghan, for preparing for the press the Ancient Records of New York, \$5,000; D. Stumpf and others, for supplies, &c., furnished, \$339 24. The following claims were disallowed on the ground that the papers had no anthority to publish the advertisements charged.

The claims of the following newspapers

Adjourned.

allowed:—
The Gazette
Insurance and Real Estate Journal
National Police Gazette
New York Daily Bulletin
National Quarterly Review
Irish American
The Dispaten
Messenger (Franco-American)